

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1072/96.

Date of order : 9.9.1996.

Between

Y.Abdul Saleem

.. Applicant

And

1. Union of India,
Rep. by General Manager,
S.C.Rly., Rail Nilayam,
Secunderabad.
2. Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.
3. Divl. Rly. Manager,
S.C.Rly., Guntakal Divn.,
Guntakal.

.. Respondents

Counsel for the Applicant .. Shri T.Pandu Ranga Chary

Counsel for the Respondents .. Shri N.R.Devaraj,
SC for Rlys.

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A)

Order

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

Sometime prior to 1984 the applicant had worked as a Casual Labour with the respondents. On that basis he seeks regularisation in Class IV post. It is stated that in the year 1991 the South Central Railway Employees Sangh through its General Secretary had raised the issue before the General Manager that 11 Casual Labourers who had worked prior to 1984 and thus had become eligible to be restored on live register for re-engagement and since that was not done the matter may be looked into. The name of the applicant is stated to be one of these 11 Casual Labourers. Annexure II appears to be a letter written by the General Secretary to the General Manager, S.C.Rly.

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on 25.5.91. It is the further case of the applicant relying upon annexure IV which was a communication addressed by the Sr. DPO/GTL to the Divisional Office stating therein (possibly with reference to the letter of the General Secretary referred to above) that the past service record of 11 Casual Labourers could be verified as it was available and therefore he sought advice regarding further action. The names of those whose records could not be verified and who were not amongst the 11 persons did not include the name of the applicant. Therefore it is contended that his record was verified and was found genuine. Thus it was clear that the applicant became entitled to be brought on the live register. The applicant's service was discontinued from 16.1.85. The verification was completed in 1992. The applicant did not take any steps thereafter.

Aggrieved with the non-inclusion of his name in the live register till 11.6.96 when a legal notice was issued to the respondents requesting for action to include his name in the live register and absorb him in the regular post on the basis of verification of his record that was done in 1992.

2. There is nothing stated in the legal notice as to what steps he had taken between 1992 and 1996. The only statement made is that though he had approached the concerned authorities several times no action was taken. However, no particulars of the applicant contacting any particular authorities and the time when it was done have been stated. Even in the application nothing is stated about the inaction of the applicant between 1992 and 1996. In para 3 dealing with the point of limitation after referring to the letter of the 3rd respondent dated 21.9.92 straightaway reference is made to the legal notice dated 11.6.96 without explaining the action taken by the applicant between 1992 and 1996.

In para 6 while describing the details of remedies exhausted in sub-para (d) of para 4 while complaining about the inaction of the respondents nothing has been stated about the inaction of the applicant ^{himself} between 1992 and 1996. The very first question that ^{stares in the face} ~~stands~~ on the basis of limitation, admittedly is the verification of the record of the applicant even if it is based upon the letter of the Sr. DPO dated 21.9.92 ^{being an event occurring in 1992}. The applicant could have filed ^{the} O.A. within 18 months therefrom at the maximum to avail of the period of limitation. The O.A., however, has been filed on 26.8.96. The period in between has not been explained in any manner whatsoever.

3. The learned counsel for the applicant repeatedly argued that the applicant being an illiterate person and a jobless casual labourer had been knocking the doors of the authorities time and again and since there was no response he had caused a legal notice issued. This submission however finds no support from the record as discussed above. It is also difficult to accept that the applicant is an illiterate person because he had signed the verification clause in English and had also signed all the pages of the O.A. in English. Moreover, he has not even indicated as to whether he has an avocation or no as it becomes difficult to believe that for 11 years he could remain without a job or ^a source of livelihood. Thus there are neither legal grounds nor ^{equitable} ~~impeccable~~ ground to overlook the delay and laches on the part of the applicant in approaching the Tribunal. ~~Once~~ ^{not} the bar of limitation seems to arise it is possible to entertain the O.A.

4. Despite the above position we however notice from the previous order of this Tribunal in O.A.No.28/95 that 6 of the casual labourers whose names were mentioned in the letter of the General Secretary vide annexure II have been

granted relief similar to the one ^{claimed} cited by the applicant. That leaves 4 more persons apart from the applicant who have not been engaged. In view of the same and having regard to the letter of the Sr. DPO dated 21.9.92 we might express the hope that the General Manager, S.C.Rly., Secunderabad and the Divl. Rly. Manager, Guntakal to whom the legal notice was addressed may look into the matter and if it is found that the record of the applicant was indeed genuine further look into the matter as to why it may not be possible to give the same relief. We also impress the need that this exercise will be completed early and the applicant informed. We may also like to indicate that it will be advisable for the said authorities to examine and process the cases of the 4 other persons in order to avoid further litigation. We make it clear that we are not inclined to entertain the O.A. on the ground of laches. We have made the above observations for the benefit of the authorities concerned and we hope that it will receive due attention although it is not a direction on merits or part of the order.

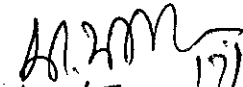
4. Subject to the above observation the O.A. is dismissed


(H. Rajendra Prasad)
Member (A).


(M.G. Chaudhari)
Vice-Chairman.

Dated: 9.9.1996.
Dictated in Open Court.

br.


Deputy Registrar D.C.

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W.A.1072/96.

To

1. The General Manager,
Union of India, S.C.Rly, Railnilayam,
Secunderabad.
2. The Chief Personnel Officer,
S.C.Rly, Railnilayam,
Secunderabad.
3. The Divisional Railway Manager,
SC Rly, Guntakal Division,
Guntakal.
4. One copy to Mr.T.Panduranga Chary, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm.

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I COURT

TYPED BY :

CHECKED BY :

COMPALED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

✓
THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

✓
THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 9-9-1996

ORDER / JUDGMENT

M.A/R.A./C.A. No.

in

O.A. No. 1072/96

T.A. No.

(w.p.)

Admitted and Interim Directions

Issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

DESPATCH

- 3 OCT 1996

हैदराबाद बेंच
HYDERABAD BENCH